

Delta City and Fillmore City Request for Proposals for Indigent Legal Defense Counsel

1.0 Delta City and Fillmore City (collectively the “Cities”) are accepting proposals from qualified attorneys who are interested in providing indigent legal defense counsel in the Delta City Justice Court and/or the Fillmore City Justice Court (separately “DCJC” and “FCJC” and collectively the “Courts”). Submissions may propose to serve one or both and the Cities will separately consider proposals. It is anticipated that other than trials or evidentiary hearings, all hearings will be conducted via WebEx. The current schedule for DCJC is the first and third Thursday of every month, with indigent counsel cases being set mostly on the third Thursday. The current schedule for FCJC is the second and fourth Thursday of every month with indigent counsel cases being set mostly on the second Thursday. As per respective caseloads: In the DCJC, indigent counsel is generally appointed one to five defendants monthly. In the FCJC, indigent counsel is generally appointed one to five defendants monthly. While Fillmore and Delta are considering the proposals jointly, the proposals and invoicing will need to be directed to the respective City’s that services are performed.

2.0 DUTIES & RESPONSIBILITIES:

Upon assignment by the court, the attorney or firm will act as court-appointed counsel to indigent adults charged with crimes. Legal services and representation duties include but are not limited to the following:

1. Serves as court-appointed counsel for indigent criminal defendants and other persons in cases who are entitled by law to assistance of counsel as defined in the Indigent Defense Act further defined in Utah Code Annotated 78B-22;
2. Prepares and appears with clients at all pre-trial and trial proceedings and hearings;
3. Conducts investigations; obtains formal and informal discovery; interviews clients to evaluate evidence and assess strength of case; develops a theory of the case; research legal issues, prepares, files, analyzes charging documents, police reports and discovery material and evidence for assigned criminal cases; argues appropriate motions; and negotiates settlements or changes of plea;
4. Develops overall defense strategies and prepares trial briefs and conducts all phases of trial in court, including jury trials;
5. Recommends bond and participates in bond hearings after appointment, reviews petitions for probation revocations and participates in sentencing hearings; prepares motions for a new trial if necessary;

6. Maintains adequate and proper records of the representation for each assigned indigent defendant; and
7. Keeps current with the statutes, rules, and cases regarding both procedural and substantive legal issues.
8. Spanish speaking is a plus, but not a requirement.
9. Applicants must be licensed to practice law in the state of Utah and be a member in good standing with the Utah State Bar Association.
10. Invoicing will be done to Fillmore and Delta separately.

3.0 APPLICATION REQUIREMENTS & SUBMISSION

- 3.1 Submissions should be prepared simply and economically, providing a straightforward, concise description of provider capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content.
- 3.2 All submissions must include the following:
 - 3.2.1 The respondent's resume or Curriculum Vitae;
 - 3.2.2 A letter of interest that includes a fee proposal, whether flat fee, an hourly rate, or a combination of both.
 - 3.2.3 References (minimum of 3) with contact information.
- 3.3 Proposals may be made for both courts or each court separately. If making a proposal for both courts, please email resumes and letters of interest to both Jody Anderson, Delta City Admin Officer/Treasurer, janderson@delta.utah.gov and Kevin Orton, Fillmore City Recorder at recorder@fillmorecity.gov. If making a proposal for DCJC only, please email submission to Jody Anderson alone. If making a proposal for FCJC only, please email submission to Kevin Orton alone.
- 3.4 A plan or proposal on how conflict's of interest will be addressed and handled.
- 3.5 Any questions about this RFP may be submitted, in writing prior to June 8, 2023; however, all questions and any responses will be provided to all parties that have expressed any interest in submitting a proposal.
- 3.6 Proposals should be submitted on or before June 15, 2023.

4.0 SELECTION PROCESS.

- 4.1 Proposals shall be evaluated according to the following criteria:
 - 4.1.1 Responsiveness to the Request for Proposals. Proposals should not be "boiler plate" proposals.
 - 4.1.2 Experience in similar positions. References will be part of the assessment.
 - 4.1.3 Ability of individual to meet the requirements of the work to be performed within the City's desired schedule and availability of adequate personnel.
 - 4.1.4 The amount of the proposed fees and cost.
- 4.2 Interviews may be held by the respective City Council with the purpose of allowing the invited individuals to present qualifications

and past performance. The interview will also provide an opportunity for the Council to ask questions.

- 4.3 The Cities reserve the right to:
 - 4.3.1 Issue addenda to the RFP, including extending or otherwise revising the timeline for submittals;
 - 4.3.2 Withdraw the RFP;
 - 4.3.3 Request clarification and/or additional information from the Contractor at any point in the procurement process;
 - 4.3.4 Execute a contract, or contracts, with one Contractor on the basis of the original proposal or any additions to proposal submissions;
 - 4.3.5 Reject any or all RFP's or any part, thereof;
 - 4.3.6 Waive informalities; to negotiate and agree to contract terms with the successful proposal; and/or
 - 4.3.7 Disregard non-conforming, non-responsive, unbalanced or conditional proposals, and to re-advertise if it is in the best interest of Delta City or Fillmore City to do so.